

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE:

GILBERTO NEGRON FRANCESCHINI  
AMANDA ROCHE RODRIGUEZ

DEBTORS

CASE NO 11-01500/MCF

CHAPTER 13

DEBTORS' MOTION AND NOTICE OF FILING OF POST-CONFIRMATION  
MODIFICATION OF CHAPTER 13 PLAN 11 USC §1329

TO THE HONORABLE COURT:

NOW COME, GILBERTO NEGRON FRANCESCHINI and AMANDA ROCHE RODRIGUEZ, through the undersigned attorney, and very respectfully state and pray as follows:

1. The debtors are hereby submitting a post-confirmation modification of Chapter 13 Plan, 11 USC Section 1329, dated June 18, 2013, herewith and attached to this motion.
2. This Plan modification is filed to increase monthly Plan payments since debtors will be having an increment in their "disposable income" for the reason that they have paid off their car loan.

NOTICE PURSUANT TO LOCAL BANKRUPTCY RULE 3015(f)(2)(b)

Within twenty-one (21) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

I CERTIFY, that on this same date a copy of this Notice was filed with the Clerk of the Court using the CM/ECF system which will send notice of same to the Chapter 13 Trustee, and all CM/ECF participants; I also certify that a copy of this notice was sent via regular mail to the debtors and to all creditors and interested parties appearing in the master address list, hereby attached.

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Post confirmation modification of chapter 13 Plan

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 18<sup>th</sup> day of June, 2013.

/s/Roberto Figueroa Carrasquillo  
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**United States Bankruptcy Court**  
**District of Puerto Rico**

IN RE:

Case No. 11-01500-13NEGRON FRANCESCHINI, GILBERTO & ROCHE RODRIGUEZ, AMANDAChapter 13

Debtor(s)

**CHAPTER 13 PAYMENT PLAN**

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☒ directly ☐ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED: 6/18/2013☐ AMENDED PLAN DATED: \_\_\_\_\_☐ PRE ☒ POST-CONFIRMATIONFiled by: ☐ Debtor ☐ Trustee ☐ Other**I. PAYMENT PLAN SCHEDULE**

\$ 100.00 x 12 = \$ 1,200.00  
 \$ 450.00 x 3 = \$ 1,350.00  
 \$ 750.00 x 12 = \$ 9,000.00  
 \$ 825.00 x 33 = \$ 27,225.00  
 \$ \_\_\_\_\_ x \_\_\_\_\_ = \$ \_\_\_\_\_

TOTAL: \$ 38,775.00

Additional Payments:

\$ 116,209.26 to be paid as a LUMP SUM  
 within 36 months with proceeds to come from:

☒ Sale of Property identified as follows:  
**Residential Property located at Santa Isidra, B Avenue in Fajardo, Puerto Rico.**

☒ Other:  
**Tax refund 2011 \$1,684.26**

Periodic Payments to be made other than, and in  
 addition to the above:

\$ \_\_\_\_\_ x \_\_\_\_\_ = \$ \_\_\_\_\_

PROPOSED BASE: \$ 154,984.26
**III. ATTORNEY'S FEES**  
 (Treated as § 507 Priorities)

Outstanding balance as per Rule 2016(b) Fee  
 Disclosure Statement: \$ 2,674.00

Signed: /s/ GILBERTO NEGRON FRANCESCHINI  
 Debtor

/s/ AMANDA ROCHE RODRIGUEZ  
 Joint Debtor

**II. DISBURSEMENT SCHEDULE**

A. ADEQUATE PROTECTION PAYMENTS OR \_\_\_\_\_ \$ \_\_\_\_\_

B. SECURED CLAIMS:

☐ Debtor represents no secured claims.

☒ Creditors having secured claims will retain their liens and shall be paid as follows:

1. ☒ Trustee pays secured ARREARS:

Cr. BANCO POPULAR D Cr. \_\_\_\_\_ Cr. \_\_\_\_\_  
 # Claim 16 # \_\_\_\_\_ # \_\_\_\_\_  
 \$ 45.00 \$ \_\_\_\_\_ \$ \_\_\_\_\_

2. ☐ Trustee pays IN FULL Secured Claims:

Cr. \_\_\_\_\_ Cr. \_\_\_\_\_ Cr. \_\_\_\_\_  
 # \_\_\_\_\_ # \_\_\_\_\_ # \_\_\_\_\_  
 \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

3. ☐ Trustee pays VALUE OF COLLATERAL:

Cr. \_\_\_\_\_ Cr. \_\_\_\_\_ Cr. \_\_\_\_\_  
 # \_\_\_\_\_ # \_\_\_\_\_ # \_\_\_\_\_  
 \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

4. ☐ Debtor SURRENDERS COLLATERAL to Lien Holder:5. ☐ Other:6. ☒ Debtor otherwise maintains regular payments directly to:TOYOTA MOTOR CR BANCO POPULAR D

C. PRIORITIES: The Trustee shall pay priorities in accordance with the law.  
 11 U.S.C. § 507 and § 1322(a)(2)

D. UNSECURED CLAIMS: Plan ☐ Classifies ☒ Does not Classify Claims.1. (a) Class A: ☐ Co-debtor Claims / ☐ Other:☐ Paid 100% / ☐ Other:

Cr. \_\_\_\_\_ Cr. \_\_\_\_\_ Cr. \_\_\_\_\_  
 # \_\_\_\_\_ # \_\_\_\_\_ # \_\_\_\_\_  
 \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

2. Unsecured Claims otherwise receive PRO-RATA disbursements.

OTHER PROVISIONS: (Executory contracts; payment of interest to unsecureds, etc.)

CRIM: \$6,143.00

Debtor(s) will pay GENERAL UNSECURED in full (100% + 6% interest per annum), under  
 chapter 13 plan.

\* "Tax refunds will be devoted each year, as periodic payments, to the plan's funding until plan  
 completion. The plan shall be deemed modified by such amount, without the need of further  
 Court order. The debtor(s) shall seek court's authorization prior any use of funds."

\*Or as otherwise specified on proof of claim.

Late filed claims filed by creditors will receive no distribution.

"Surrenders collateral": Shares/savings in any Cooperativa/Association/Bank.

Debtor reserves the right to object claims after plan confirmation.

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